

SAN ANTONIO MISSIONS NATIONAL HISTORICAL PARK
BOUNDARY EXPANSION ACT OF 2013

MAY 17, 2013.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

Mr. HASTINGS of Washington, from the Committee on Natural
Resources, submitted the following

R E P O R T

[To accompany H.R. 885]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 885) to expand the boundary of San Antonio Missions National Historical Park, to conduct a study of potential land acquisitions, and for other purposes, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “San Antonio Missions National Historical Park Boundary Expansion Act of 2013”.

SEC. 2. BOUNDARY EXPANSION.

Section 201(a) of Public Law 95–629 (16 U.S.C. 410ee(a)) is amended—

- (1) by striking “In order” and inserting “(1) In order”;
- (2) by striking “The park shall also” and inserting the following:
“(2) The park shall also”;
- (3) by striking “After advising the” and inserting the following:
“(5) After advising the”.
- (4) by inserting after paragraph (2) (as so designated by paragraph (2)) the following:
“(3) The boundary of the park is further modified to include approximately 137 acres, as depicted on the map titled ‘San Antonio Missions National Historical Park Proposed Boundary Addition’, numbered 472/113,006A, and dated June 2012. The map shall be on file and available for inspection in the appropriate offices of the National Park Service, U.S. Department of the Interior.
- “(4) The Secretary may not acquire by condemnation any land or interest in land within the boundaries of the park. The Secretary is authorized to acquire land and interests in land that are within the boundaries of the park pursuant to paragraph (3) by donation or exchange only (and in the case of an exchange, no payment may

be made by the Secretary to any landowner). No private property or non-Federal public property shall be included within the boundaries of the park without the written consent of the owner of such property. Nothing in this Act, the establishment of the park, or the management plan of the park shall be construed to create buffer zones outside of the park. That an activity or use can be seen or heard from within the park shall not preclude the conduct of that activity or use outside the park.”.

Amend the title to read:

A bill to expand the boundary of the San Antonio Missions National Historical Park, and for other purposes.

PURPOSE OF THE BILL

The purpose of H.R. 885, as amended, is to expand the boundary of the San Antonio Missions National Historical Park.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 885 authorizes the expansion of San Antonio Missions National Historical Park to include an additional 137 acres, all of which are currently owned or being managed by the National Park Service (NPS). After an NPS evaluation, it was determined that these additional acres are necessary to protect park resources and achieve the purposes of the park. Additionally, cultural and archeological resources associated with the park are currently outside the boundary, but would be included in this expansion.

According to the NPS, there will be no additional cost to enacting this legislation because most of the new acreage is already owned by the NPS and the remainder need not be acquired as the agency already manages it through agreements.

During Full Committee markup of the bill, an amendment offered by Congressman Rob Bishop (R-UT) was adopted to eliminate potential costs associated with the legislation and to enhance property rights protections. The amendment removed language authorizing a study for another boundary expansion and clarified that written consent of property owners will be required before their land can be included in the park. The creation of buffer zones around the park and use of condemnation will also be prohibited. Finally, while no land acquisition is currently anticipated, the amendment would limit any acquisition to donation or exchange only.

COMMITTEE ACTION

H.R. 885 was introduced on February 28, 2013, by Congressman Lloyd Doggett (D-TX). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Public Lands and Environmental Regulation. On April 16, 2013, the Subcommittee held a hearing on the bill. On April 24, 2013, the Full Natural Resources Committee met to consider the bill. The Subcommittee on Public Lands and Environmental Regulation was discharged by unanimous consent. Congressman Rob Bishop (R-UT) offered an amendment designated .020 to the bill; the amendment was adopted by unanimous consent. No further amendments were offered and the bill, as amended, was adopted and ordered favorably reported to the House of Representatives by unanimous consent.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(1) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(2)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

H.R. 885—San Antonio Missions National Historical Park Boundary Expansion Act of 2013

H.R. 885 would expand the boundary of the San Antonio Missions National Historical Park in Texas to include approximately 137 additional acres. Of the proposed expansion, 118 acres are currently owned by the National Park Service (NPS) or are being donated to the park. The remaining 19 acres would continue to be managed under a cooperative agreement with the city of San Antonio and Bexar County, which own the property.

Based on information provided by the NPS, CBO estimates that implementing H.R. 885 would have no significant impact on the federal budget. The NPS currently manages most of the land that would be added to the park, and CBO estimates that the legislation would not significantly affect operating costs. Enacting H.R. 885 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

H.R. 885 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is Martin von Gnechten. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

2. Section 308(a) of Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures. Based on information provided by the NPS, CBO estimates that implementing H.R. 885 would have no significant impact on the federal budget.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill, as amended, is to expand the boundary of the San Antonio Missions National Historical Park.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

COMPLIANCE WITH H. RES. 5

Directed Rule Making. The Chairman does not believe that this bill directs any executive branch official to conduct any specific rule-making proceedings.

Duplication of Existing Programs. This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139 or identified in the most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public Law 95-220, as amended by Public Law 98-169) as relating to other programs.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

ACT OF NOVEMBER 10, 1978

(Public Law 95-629)

AN ACT To amend the Pennsylvania Avenue Development Corporation Act of 1972; to provide for the establishment of the San Antonio Missions National Historical Park, and for other purposes.

* * * * *

TITLE II

SEC. 201. (a) **[In order]** *(1) In order* to provide for the preservation, restoration, and interpretation of the Spanish Missions of San Antonio, Texas, for the benefit and enjoyment of present and future generations of Americans, there is hereby established the San Antonio Missions National Historical Park (hereafter in this section referred to as the “park”) consisting of Concepcion, San Jose, San Juan, and Espada Missions, together with areas and features historically associated therewith, as generally depicted on the drawing entitled “Boundary Map, San Antonio Missions National Historical Park”, numbered 930-80,022-C and dated May 1978, which shall be on file and available for public inspection in the offices of the

National Park Service, Department of the Interior, and in the offices of the Superintendent of the park. **【The park shall also】**

(2) *The park shall also consist of the lands and interests therein within the area bounded by the line depicted as “Proposed Boundary Extension” on the maps entitled “San Antonio Missions National Historical Park”, numbered 472–80,075, 472–80,076, 472–80,077, 472–80,078, 472–80,079, 472–80,080, and 472–80,081 and dated June 7, 1990, which shall be on file and available for public inspection in the same manner as is such drawing. **【After advising the】***

(3) *The boundary of the park is further modified to include approximately 137 acres, as depicted on the map titled “San Antonio Missions National Historical Park Proposed Boundary Addition”, numbered 472/113,006A, and dated June 2012. The map shall be on file and available for inspection in the appropriate offices of the National Park Service, U.S. Department of the Interior.*

(4) *The Secretary may not acquire by condemnation any land or interest in land within the boundaries of the park. The Secretary is authorized to acquire land and interests in land that are within the boundaries of the park pursuant to paragraph (3) by donation or exchange only (and in the case of an exchange, no payment may be made by the Secretary to any landowner). No private property or non-Federal public property shall be included within the boundaries of the park without the written consent of the owner of such property. Nothing in this Act, the establishment of the park, or the management plan of the park shall be construed to create buffer zones outside of the park. That an activity or use can be seen or heard from within the park shall not preclude the conduct of that activity or use outside the park.*

(5) *After advising the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives, in writing, the Secretary of the Interior (hereinafter referred to as the “Secretary”) may make minor revisions of the boundaries of the park when necessary by publication of a revised drawing or other boundary description in the Federal Register.*

(b) For the purposes of this section, the Secretary is authorized—

(1) to acquire by donation, purchase with donated or appropriated funds, or exchange, lands and interests therein constituting—

(A) Mission San Jose y San Miguel de Aguayo;

(B) Mission Nuestra Senora de la Purisima Concepcion de Acuna;

(C) Mission San Francisco de la Espada;

(D) Espada Acequia, the section of approximately five miles along the west side of and parallel to the San Antonio River;

(E) Mission San Juan Capistrano;

(F) Mission San Juan Capistrano;

(G) San Juan Acequia, on the east side of the San Antonio River; and

(H) such lands and interests therein which the Secretary determines are necessary or desirable to provide for public access to, and interpretation and protection of, the foregoing; and

(2) to enter cooperative agreements with the owners of any historic properties, including properties referred to in paragraph (1), in furtherance of the purposes of this section.

Each agreement under paragraph (2) shall provide among other things that the owner will hold and preserve the historic property in perpetuity and will not undertake or permit the alteration or removal of historic features or the erection of markers, structures, or buildings without the prior concurrence of the Secretary, and that the public shall have reasonable access to those portions of the property to which access is necessary in the judgment of the Secretary for the proper appreciation and interpretation of its historical and architectural value. Pursuant to such cooperative agreements and notwithstanding any other provision of law to the contrary the Secretary may, directly or by contract, construct, reconstruct, rehabilitate, or develop such buildings, structures, and related facilities including roads, trails, and other interpretive facilities on real property not in Federal ownership and may maintain and operate programs in connection therewith as he deems appropriate. Any lands or interest therein owned by the Catholic Archdiocese of San Antonio, the State of Texas, or any political subdivision of such State, including the San Antonio River Authority, may be acquired by donation only: Provided, That the Secretary shall submit all proposed cooperative agreements to the Department of Justice for a determination that the proposed agreements do not violate the constitutional provisions regarding the separation of church and state.

(c)(1) With the exception of any property deemed necessary by the Secretary for visitor facilities or administration of the park, any owner or owners of improved property on the date of its acquisition by the Secretary may, as a condition of such acquisition, retain for themselves and their successors or assigns a right of use and occupancy of the property for noncommercial residential purposes, for twenty-five years, or, in lieu thereof, for a term ending at the death of the owner or his spouse, whichever is later. The owner shall elect the term to be reserved. The Secretary shall pay to the owner the fair market value of the property on the date of such acquisition less the fair market value on such date of the right retained by the owner.

(2) A right of use and occupancy retained or enjoyed pursuant to this subsection may be terminated with respect to the entire property by the Secretary upon his determination that the property or any portion thereof had ceased to be used for noncommercial residential purposes and upon tender to the holder of a right an amount equal to the fair market value, as of the date of tender, of that portion of the right which remains unexpired on the date of termination.

(3) The term "improved property", as used in this subsection, shall mean a detached, noncommercial residential dwelling, the construction of which was begun before January 1, 1978 (hereinafter referred to as a "dwelling"), together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, together with any struc-

tures accessory to the dwelling which are situated on the land so designated.

(d) The Secretary is authorized and directed to take prompt and appropriate action in accordance with the provisions of this section and any cooperative agreement hereunder to assure the protection and preservation of the historical and architectural values of the missions and the areas and features historically associated therewith within the boundaries of the park. The park shall be administered by the Secretary in accordance with this section and provisions of law generally applicable to units of the National Park System, including the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.) and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461467).

(e)(1) There is hereby authorized to be established by the Secretary, a San Antonio Missions Advisory Commission. The Commission shall be composed of eleven members, each appointed for a term of two years by the Secretary, as follows:

(A) one member to be appointed from recommendations made by the Governor of the State of Texas;

(B) one member to be appointed from recommendations made by the County Commissioners of Bexar County, Texas;

(C) one member to be appointed from recommendations made by the City Council of the City of San Antonio, Texas;

(D) one member to be appointed to represent non-Federal property owners whose property is operated and maintained in accordance with cooperative agreements with the Secretary pursuant to subsection (b)(2);

(E) one member from the membership of a local conservation or historical organization; and

(F) six members representing the general public.

The Secretary shall designate one member to be Chairman of the Commission and may fill any vacancy in the same manner in which the original appointment was made.

(2) Members of the Commission shall serve without compensation as such, but, the Secretary may pay expenses reasonably incurred by the Commission and may reimburse members for reasonable expenses incurred in carrying out their responsibilities under this section on vouchers signed by the Chairman.

(3) All appointments to the Commission shall be made by the Secretary within six months after the date of the enactment of this Act and the Secretary, or his designee, shall from time to time, but at least semiannually, meet and consult with the Advisory Commission in matters relating to the park and with respect to carrying out the provisions of this section.

(4) Unless extended by Act of Congress, this Commission shall terminate ten years after the date of its first meeting with the Secretary or his designee.

(f)(1) There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this section, but not more than \$10,000,000 for the acquisition of lands and interests in lands.

(2) For the development of essential public facilities there are authorized to be appropriated not more than \$15,000,000.

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